



## ***Land Use and Zoning Meeting Minutes***

*April 29, 2016*

STAFF:	Monica Jordan
MEETING DATE:	April 21, 2016

The Land Use and Zoning Committee hereby finds and determines that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:30 p.m. by Ms. Jordan.

Attendance was taken by sign-in sheet. The following members were present: Messrs. Bernard, Constantine, Falcone, Kenyon, Valentic, Welch and Ms. Diak. Staff: Monica Jordan.

Next, staff asked if there was any Public Comment. Hearing none, staff proceeded with the next item on the agenda, which was Committee Business.

### **Painesville Township – Modification to the Preliminary Plan of Lake Terrace Estates, Phases 4 and 5**

Staff provided the following amendment summary:

- The applicant is proposing amendments to the Preliminary Plan of Lake Terrace Estates, which was approved in 2000. The connection of the northerly ends of Lake Terrace Drive and Beachfront Drive, both currently temporary cul-de-sacs, was proposed in the original Preliminary Plan. It is being proposed that, rather than connecting these streets, that the temporary cul-de-sacs be constructed as permanent cul-de-sacs, which allow the cul-de-sacs to meet Lake County Subdivision Regulations and allow Painesville Township ownership of the newly created right-of-ways. In addition, it is being proposed that the length of the road leading to the cul-de-sac located on Beachfront Drive be extended.
- The proposed amendments will eliminate the proposed connection between Lake Terrace Drive and Beachfront Drive. Additionally, this proposal entails a reduction in the density of sublots from 64 sublots to 61 sublots.

Staff stated that this amendment had no relevance to the Painesville Township Comprehensive Plan.

Next, staff provided comments for the proposed amendment:

- The proposed sublots and subdivision layout meet the requirements of the Painesville Township Zoning Resolution and Lake County Subdivision Regulations. The revised Preliminary Plan will need to be approved by the Lake County Planning Commission.

- The Coastal Erosion Area, as determined by the Ohio Department of Natural Resources is located within close proximity of this development. Proposed sublots for the amended Preliminary Plan may be eliminated upon agency review of this Subdivision.
- The Wetlands Potential Map, created by Lake County Soil & Water Conservation District, indicates that there is a high potential for wetlands on the site. Upon completion of the wetland delineation, additional sublots may be eliminated from the Preliminary Plan.
- The proposed cul-de-sac of Beachfront Drive will place lots in similar locations as proposed by the original 2000 Preliminary Plan.

A committee member asked if the property owner has the option to mitigate these wetlands. Staff responded by explaining that the mitigation of coastal wetlands is very expensive.

A committee member asked why the property owner's ability to develop this land should be limited. Staff referenced the Lake County Subdivision Regulations, which state: "the subplot arrangement and design shall be that all sublots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development" (Article IV, Section 7(A)(1)). Staff then stated that the location of the Coastal Erosion Area, as well as the high wetland potential, will inhibit the property owner's ability to conform to this regulation.

Staff offered the following recommendation for this amendment:

- The Lake County Subdivision Regulations state: "The subplot arrangement and design shall be such that all sublots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development." (Article IV, Section 7(A)(1)). Due to the high wetland potential and location of the Coastal Erosion Area, it is recommended that the number of sublots be reduced and that the length of the Beachfront Drive cul-de-sac be reduced.

*Mr. Welch made the motion to recommend staff's recommendation.  
Mr. Valentic seconded the motion.*

*Ms. Jordan asked if there were any questions or comments.*

*All voted "Aye".  
Motion passed.*

### **Madison Township – Zoning Text Amendment – Removing the Riparian Setback Guidance Map and Section 123.5.3.6**

Staff provided the following summary for this zoning text amendment:

- Removing the following section, 123.5.3.6, in its entirety:  
  
"123.5.3.6 All wetlands as identified by the State of Ohio and/ or U.S. Army Corps of Engineers shall have the following setbacks as measured from the jurisdictional boundary:

123.5.3.6.1 50 feet extending beyond the outermost boundary of a Category 3 wetland.

123.5.3.6.2 30 feet extending beyond the outermost boundary of a Category 2 wetland.

123.5.3.6.3 10 feet extending beyond the outermost boundary of a Category 1 wetland.”

- Removing the Riparian Setback Guidance Map.

Staff stated that the Madison Township Comprehensive Plan references the establishment of wetland setbacks, and provided the following examples:

- NR-1-p7 states: “Establish a minimum riparian setback requirement for properties adjacent to or near waterways, streams, wetlands and floodplains.” (Page 10-17)
- Madison Township’s Comprehensive Plan includes the following text for riparian setbacks in relation to wetlands:
  - “Riparian setbacks are a tool local governments can use to maintain riparian area functions. These can also apply to designated wetlands” (Page 10-5)
  - “The draft resolution that is part of the US 20 Corridor Plan includes the following standards for riparian setbacks in the township: Where a wetland is identified in a minimum riparian setback area, the setback distance is extended to the outermost boundary of the wetland.” (Page 10-6)
- The Comprehensive Plan provides a diagram of how a riparian setback may apply to a Category 2 wetland. (Page 10-6)
- The Comprehensive Plan highlights the importance of wetland preservation, as well as their impact on water quality protection. (Page 10-7)

Staff provided the following comments for the district change amendment:

- The current Riparian Setback Guidance Map contained within the Zoning Resolution is inaccurate. In addition, streams can be rerouted and wetlands can be mitigated so the map may need to be changed over time. The map is considered an exhibit and the Regulations state that it may be updated as necessary. If referenced in the Regulations, it will not require a public hearing when changes to the map are proposed.
- Wetlands along streams are still being regulated by Sections 123.5.3.4 and 123.5.3.5.
- 123.5.3.6 is regulating isolated wetlands that are not located alongside a watercourse.

Staff clarified that the regulations for wetlands that proposed to be removed apply only to isolated wetlands, which include those not attached to a watercourse.

Staff recommended approval with the following modifications:

- Update or replace the current Riparian Setback Guidance Map (Exhibit A). In the future, it can be changed without a public hearing.
- Remove language for isolated wetlands (wetlands that are not an extension of a watercourse).
- Consult with the Lake County Soil and Water Conservation District to establish updated regulations for applying wetland setbacks to wetlands to be adopted in this Section, as well as the protocol for determining the presence of wetlands.

The Committee asked what Madison Township's reasoning is for removing language for wetland setbacks. Mr. Bernard stated that a recent site plan was approved, which contained a wetland. The Township was unaware that this language existed to regulate isolated wetlands.

Mr. Bernard stated that the Township would prefer to rely on the Army Corps for the regulation of wetlands and that additional buffers that would be instituted by the Zoning Resolution are not desired.

The Committee asked what the impact of removing this language would have on development of properties that contain wetlands. A committee member stated that development could take place up to the boundary of the wetland if an additional wetland setback does not provide a buffer for development. In addition, a committee member stated that the Army Corps review would take place after a development has been completed.

Committee members agreed that wetland setbacks should be established for Madison Township. Staff proposed the following amended staff recommendation:

- Update or replace the current Riparian Setback Guidance Map (Exhibit A). In the future, it can be changed without a public hearing.
- Before removing language for isolated wetlands (wetlands that are not an extension of a watercourse) consult with the Lake County Soil and Water Conservation District.
- Consult with the Lake County Soil and Water Conservation District to establish updated regulations for applying wetland setbacks to wetlands to be adopted in this Section, as well as the protocol for determining the presence of wetlands.

*Mr. Kenyon made the motion to recommend staff's recommendation, as amended.  
Mr. Falcone seconded the motion.*

*Ms. Jordan asked if there were any questions or comments.*

*All voted "Aye".  
Motion passed.*

There was no new business.

Staff moved on to Old Business and stated that Land Use & Zoning Committee members would be able to attend the Northeast Ohio Planning & Zoning Workshop free of charge. Staff stated that this event is to be held on June 10, 2016, at the Environmental Learning Center, which is located in Concord Township near the Township Hall.

There was no public comment. The meeting adjourned at 7:05 p.m.